

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

In re:	)	MDL No. 1456
	)	Civil Action No. 01-12257-PBS
	)	
PHARMACEUTICAL INDUSTRY	)	Subcategory No. 06-11337
AVERAGE WHOLESALE PRICE	)	
LITIGATION	)	
_____	)	
	)	
THIS DOCUMENT RELATES TO:	)	
<i>United States of America ex rel. Ven-A-Care of</i>	)	Judge Patti B. Saris
<i>the Florida Keys, Inc., by and through its principal</i>	)	
<i>officers and directors, Zachary T. Bentley and</i>	)	
<i>T. Mark Jones v. Actavis Mid Atlantic LLC, et al.,</i>	)	
<i>Civil Action No. 08-10852</i>	)	

**ORDER OF DISMISSAL OF CERTAIN CLAIMS WITH PREJUDICE  
AGAINST SANDOZ**

Pursuant to Rule 41(a) of the Federal Rules of Civil Procedure and the *qui tam* provisions of the federal False Claims Act, Relator Ven-A-Care of the Florida Keys, Inc. (the "Relator") and Sandoz, Inc. (f/k/a Geneva Pharmaceuticals, Inc.), ("Sandoz") (Sandoz together with Relator collectively the "Parties") filed with this Court, a Stipulation of Dismissal and Motion for Order of Dismissal with Prejudice as to Certain Claims Against Sandoz providing for the dismissal of claims, and only those claims, relating to the Texas Medicaid Program . Upon due consideration of the Stipulation and the Parties' Settlement Agreement and Release, the United States' Consent, the lack of objection to the proposed Settlement, and the Court's determination that the Settlement Amount appears to the Court to be fair, adequate, and reasonable under all the circumstances, the Court hereby approves the Settlement.

WHEREFORE, IT IS ORDERED, that

1. Consistent with the terms of the Settlement Agreement and Release (attached to the Consent of the United States as Exhibit 1), the above captioned Civil Action is dismissed, in part,


with prejudice as to Sandoz only as to the claims relating to the federal share of Medicaid overpayments by the Texas Medicaid Program.

2. This Order resolves all claims against Sandoz for the federal share of Medicaid program payments by the Texas Medicaid Program and brought in the above-captioned Civil Action. This Order shall in no way prejudice or limit any claims for a state's share or for the federal share of Medicaid overpayments by any state other than Texas.

3. Each party shall be responsible for its own expenses, attorneys' fees, and costs.

4. The Court shall retain jurisdiction to enforce the terms, conditions, and releases of the Parties' Settlement Agreement and Release to the extent reasonably necessary and appropriate.

IT IS SO ORDERED this 22 day of September, 2011.

  
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THE HONORABLE PATTI B. SARIS  
UNITED STATES DISTRICT COURT JUDGE